

January 18, 2018

H.E. Mr. Narendra Modi  
Prime Minister of the Republic of India  
South Block, Raisina Hill  
New Delhi-110011  
India

Office of the Treasurer

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Your Excellency:

**Re: Concerns regarding the death threats and charges against lawyer Rajat Kalsan**

I write on behalf of the Law Society of Ontario\* to voice our grave concern over the death threats and charges against the lawyer Rajat Kalsan.

Rajat Kalsan is a prominent lawyer and advocate for the Hisar district of Haryana. He has frequently represented members of the Dalit community in relation to discrimination cases and violence allegedly suffered at the hands of dominant castes. The Law Society is deeply concerned about the continuous harassment Rajat Kalsan has received, which has resulted from his work representing victims belonging to the Dalit community.

The charges against Rajat Kalsan include extortion, providing false evidence, criminal conspiracy and promoting animosity between different groups.

It is our understanding that in July 2017, Rajat Kalsan assisted Dalit villagers in Hansi, Haryana State, to file complaints against dominant caste members who conducted a social boycott and prevented the Dalit from participating in community gatherings and the enjoyment of employment rights. On September 2, 2017, Rajat Kalsan assisted the High Court of Punjab and Haryana with an investigation into the boycott. Subsequently, Rajat Kalsan received death threats, and was forced to suspend his legal practice and flee his home.

According to the information received, on September 14, 2017, the police registered a criminal case against Rajat Kalsan for allegedly trying to instigate Dalit villagers to file false complaints against members belonging to dominant castes in Hansi,

Haryana State. This is not the first time that Rajat Kalsan has been targeted for his work against human rights violations.

Rajat Kalsan has suffered intimidation, harassment, he has been forced to flee, and he could face a sentence of life imprisonment. He has also been forced to suspend his legal practice and he faces threats of revocation of his practicing certificate.

The Law Society is deeply concerned about Rajat Kalsan's situation and urges Your Excellency to comply with India's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Article 23 provides:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or

form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of India to:

- a. withdraw the charges against Rajat Kalsan immediately and unconditionally;
- b. guarantee all of the procedural rights that should be accorded to Rajat Kalsan in accordance with his right to a fair trial;
- c. guarantee that adequate reparation will be provided to Rajat Kalsan if he is found to be a victim of human rights abuses;
- d. ensure that all people in India, including lawyers and judges, are able to exercise freely their freedom of association, peaceful assembly, opinion and expression;
- e. ensure that all lawyers and judges in Morocco are adequately safeguarded by the authorities such that they are able to carry out their professional duties and activities free from intimidation, hindrance, harassment, improper interference, the threat of criminalization, or other human rights violations; and
- f. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul Schabas  
Treasurer

*\*The Law Society of Ontario is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

*The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.*

cc:

Mr. Vikas Swarup, High Commissioner of India to Canada

Nadir Patel, High Commissioner of Canada to India

Manan Kumar Mishra, Chairman, Bar Council of India

The Honourable Chrystia Freeland, Minister of Foreign Affairs

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Farida Deif, Canada Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Diego García-Sayán, Special Rapporteur on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales



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